

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION

KEITH BOX, )  
                  )  
Plaintiff,     )  
                  )  
vs.             )     Case No. 1:05CV6 HEA  
                  )  
CHUCK DWYER, et al.,, )  
                  )  
Defendants.    )

**OPINION, MEMORANDUM AND ORDER**

This matter is before the Court on plaintiff's Motion to Compel Interrogatories and Admissions, [Doc. No. 108]; plaintiff's Motion for Access/Help to Take Depositions on Several Defendants, [Doc. No. 109]; plaintiff's Motion to Compel, [Doc. No. 112]; plaintiff's Motion to Grant Leave to File Amended Complaint, [Doc. No. 113]; plaintiff's Motion for Recusal, [Doc. No. 114]; plaintiff's Motion for Notification, [Doc. No. 115]; Plaintiff's Motion to Compel/Injunctive Relief, [Doc. 116], and plaintiff's request for a copy of the docket sheet in this matter and for a ruling on his motions, [Doc. 117].

**Motion to Compel Interrogatories and Admissions**

In his "Traverse" to defendant Dwyer's opposition to this motion, plaintiff admits that defendant has supplemented his answers to interrogatories, but further

states that defendant has failed to answer his request for admissions. On July 5, 2006, plaintiff filed another Motion to Compel answers to requests for admissions. Defendant has not yet responded to this motion. The motion to compel Interrogatories and Admissions, [Doc. 108], is denied. Defendant shall file a response to the Motion to Compel Answers to Requests for Admission, [Doc. No. 123] within the time provided by this Court's Local Rules.

#### Motion for Access/Help to Take Depositions on Several Defendants

In this motion, plaintiff asks the Court to order medical examinations by independent physicians and for appointment of counsel to take depositions of several defendants. Plaintiff's request for medical examination is denied. Plaintiff is advised to follow proper prison procedures with respect to seeking medical treatment. Regarding his request for appointment of counsel for taking depositions, the request is denied. This Court has previously denied such requests and has articulated its reasoning therefore. Although the discovery cut-off was June 6, 2006, the Court will extend this deadline up to and including July 28, 2006. Plaintiff may propound additional interrogatories which relate to the issues in this matter only and which have not been previously asked.

#### Motions to Compel

In his Traverse, plaintiff advises that he does not seek to pursue his Motions

to Compel, [Doc. No.'s 112 and 116]. These motions are denied as moot.

#### **Motion to Grant Leave to File Amended Complaint**

Plaintiff advises the Court that he does not wish to proceed on the “retaliation and harassment part of the Amended Complaint,” but that he wishes to proceed on the Amended Complaint for tampering with medical evidence and invasion of privacy for his medical records. As this Court has previously ruled, plaintiff cannot assert new claims against defendant Dwyer without any allegations of his personal involvement in the actions allegedly taken with regard to his medical evidence and medical records. Furthermore, defendant must exhaust his administrative remedies prior to litigating issues in this Court.

#### **Motion for Recusal**

Plaintiff asserts that the Court is bias toward defendants in this matter based on previous rulings. The Court has on each occasion articulated its reasoning for its rulings. The fact that plaintiff disagrees with the Court’s rulings does not require recusal. Plaintiff has failed to satisfy the requirements of 28 U.S.C. § 144 and this Court has not found any of the components of Section 455 of Title 28 to be present. The motion is denied.

#### **Motion for Notification**

Plaintiff again advises the Court that he does not wish to proceed on this

Motion. The motion is denied as moot.

**Motion for Docket Sheet and Ruling**

Plaintiff's request for rulings on his motions is moot. The Court will grant the motion as to receiving a copy of the docket sheet and order the Clerk of Court to mail a copy of the docket sheet in this matter to plaintiff.

Accordingly,

**IT IS HEREBY ORDERED** that Motion to Compel Interrogatories and Admissions, [Doc. No. 108], is denied.

**IT IS FURTHER ORDERED** that plaintiff's Motion for Access/Help to Take Depositions on Several Defendants, [Doc. No. 109], is denied.

**IT IS FURTHER ORDERED** that plaintiff's Motions to Compel, [Doc. No.'s 112 and 116], are denied as moot.

**IT IS FURTHER ORDERED** that plaintiff's Motion to Grant Leave to File Amended Complaint, [Doc. No. 113], is denied.

**IT IS FURTHER ORDERED** that plaintiff's Motion for Recusal, [Doc. No. 114], is denied.

**IT IS FURTHER ORDERED** that plaintiff's Motion for Notification, [Doc. No. 115], is denied as moot.

**IT IS FURTHER ORDERED** that plaintiff's request for a copy of the

docket sheet in this matter and for a ruling on his motions, [Doc. No. 117] is denied as moot as to the ruling and is granted as to the docket sheet. The Clerk of the Court shall mail a copy of the docket sheet in this matter to plaintiff.

**IT IS FURTHER ORDERED** that discovery is extended up to and including July 28, 2006 for the limited purposes stated herein.

**IT IS FURTHER ORDERED** that defendant shall respond to plaintiff's Motion to Compel Answers to Requests for Admission, [Doc. No. 123] within the proscribed time period.

Dated this 10th day of July, 2006.



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HENRY EDWARD AUTREY  
UNITED STATES DISTRICT JUDGE